

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
December 20, 2009

Closed Session: yes

Call to Order: Meeting was called to order at: 9:42 p.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Gerald Chingwa, Councilor Belinda Bardwell, , Councilor Melvin L. Kiogima, Councilor Aaron Otto, Councilor Marvin Mulholland

Absent: Councilor Rita Shananaquet

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, and Gaming Board of Directors: Chairperson Carol McFall and Office Manager Cathy Portman

Guests: Bill Denemy, Yvonne McShane, John Liebgott

Motion made by Treasurer Bott and supported by Councilor Kiogima to adopt the agenda for December 20, 2009 with additions.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Councilor Kiogima and supported by Treasurer Bott to approve the minutes of December 6, 2009 with corrections.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve the Special Meeting minutes of December 19, 2009 as presented.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to ratify into the record the Phone Poll dated December 15, 2009 to approve Tribal Resolution "Authorization for Loan on 7500 Odawa Circle" in the amount of \$2,383,166.63 to meet immediate deadlines. The Phone poll passed 9-yes, 0-no, 0-abstained, 0-absent.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept Legislative Leader Julie Shananaquet's verbal report for December 20, 2009.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)
Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to accept Secretary Gasco Bentley's verbal report for December 20, 2009.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)
Motion carried.

10:18 a.m. Councilor R. Shananaquet arrived.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to accept Treasurer Bott's verbal report for December 20, 2009.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to accept the verbal Land and Reservation Committee report from Committee Chairperson Kiogima for December 20, 2009.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to place the Little Traverse Bay Bands of Odawa Indians Odawa Gaming Enterprise Management, Inc. Corporate Charter and the Odawa Gaming Enterprise Management Statute on the legislative calendar.
Vote: 7 - Yes, 1 - No (Councilor Kiogima), 1 - Abstained (Treasurer Bott), 0 - Absent
Motion carried.

11:11 a.m. Recess called.

11:24 a.m. Meeting reconvened.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept Councilor R. Shananaquet's verbal Tribal Council member report for December 20, 2009.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to accept Councilor Kiogima's verbal Tribal Council member report for December 20, 2009.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to accept Legislative Services Attorney Budnick's verbal report with attachment for December 20, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

11:39 a.m. Public Comment opened: Cathy Portman asked for clarification of the process to provide Tribal Council written comments regarding posted legislation, Yvonne McShane spoke regarding the Tribal Council Code of Ethics and clarification of potential rumors. Michele LaCount spoke regarding the Anishinaabemowin Teg Conference fundraising events.

11:49 a.m. Public Closed.

12:00 p.m. Secretary Gasco Bentley left the meeting.

12:09 p.m. Lunch recess called.

1:46 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to accept Tribal Chairman Harrington's verbal and written report for December 20, 2009 with confidential items contained therein.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Secretary Gasco Bentley)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Chingwa to adopt Tribal Resolution Inter-Tribal Council U.S. Department of Health and Human Services, Centers for Disease Control and Prevention American Recovery and Reinvestment Act of 2009: Communities Putting Prevention to Work.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-absent, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor Chingwa and supported by Councilor Shananaquet to adopt Tribal Resolution Request for Funding from the USDA Rural Development Water and Environmental Programs Little Traverse Bay Bands of Odawa Indians Fiscal Year 2010 Solid Waste Management Grant Program.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco-absent, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Mulholland to adopt Tribal Resolution: Repeals Tribal Resolution #092709-01; Establishment and Authority of the "Legislative and Executive" Team.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-absent, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Kiogima to adopt Tribal Resolution: Designation of Contact for Bond Negotiation.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-no, Treasurer Bott-abstained, Secretary Gasco Bentley-absent, Legislative Leader Julie Shananaquet-yes

Motion carried.

3:08 p.m. Public Comment opened: no comments.

3:09 p.m. Comments closed.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the verbal report from Waganakising Odawa Development, Inc., Nimkee Technologies, LLC.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Councilor Chingwa), 1 – Absent (Secretary Gasco Bentley)

4:10 p.m. Recess called.

4:22 p.m. Meeting reconvened.

Motion made by Councilor Otto and supported by Treasurer Bott that the Waganakising Odawa Development, Inc. (WOD) that was created to formulate a partnership with the Northwest Band Shoshone Nation (Shoshone Nation) and has formed such partnership known as Nimkee Technologies, LLC (Nimkee) provide an update to Tribal Council as its next regularly scheduled meeting, January 10, 2010.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Chingwa), 2 – Absent (Councilor R. Shananaquet, Secretary Gasco Bentley)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the Election Board 2009 Election Cycle Report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Gasco Bentley)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima to approve the FY 2010 Gaming Board of Directors Budget at \$101,306.00 including the suspension on the National Indian Gaming Association Annual Membership dues in the amount of \$15,000 from the Gaming Board of Directors budget.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Secretary Gasco Bentley)
Motion carried.

4:35 p.m. Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to go into closed session for confidential business matters-Casino.
Vote: 7 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Secretary Gasco Bentley)
Motion carried.

5:27 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.
Vote: 8 – yes, 0 – No, 0 – Abstained, 1 – Absent (Secretary Gasco Bentley)
Motion carried.

The following were tabled to the next agenda:

Whistle Blower Protection DRAFT Statute (posted 11/8/09)
Health Department DRAFT Statute (posted 11/8/09)
Tribal Treasurer's Responsibilities DRAFT Statute (posted 11/8/09)
Tribal Burial Grounds DRAFT Statute (posted 09/16/09)
Department of Education and Cultural Learning Center DRAFT Statute (posted 09/16/09)
Civil Traffic DRAFT Statute – (posted 09/16/09)
Probate Code for Small Estates DRAFT Statute (posted 11/22/09)
Establishment and Structure of Executive Departments and Legislative DRAFT Statute Offices (Posted 11/22/09)
Contempt of Court DRAFT Statute – (posted 10/27/09)
Indian Preference in Tribal Employment – (posted 12/6/09)

5:27 p.m. Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to adjourn.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Secretary Gasco Bentley)
Motion carried.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

Date